



LAPORTE COUNTY BOARD OF ZONING APPEALS

**Government Complex 5th Level
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**MICHAEL POLAN
Building Commissioner**

February 15th, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **February 15th, 2022, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Dwayne Hogan
 Glen Minich Adam Koronka
 April Daly

PRESENT: Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of December 21st, 2021.

Glen Minich made a motion to approve the meeting minutes of December 21st, 2021 as presented.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

Elections:

Melissa Mullins Mischke asked for nominations for President.

Glen Minich made a motion to nominate Melissa Mullins Mischke for President.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for nominations for Vice President.

Glen Minich made a motion to nominate Dwayne Hogan for Vice President.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke stated Petitions #1 had been withdrawn and not heard tonight. Petition #2 will be held over until next month. Petition #14 will be tabled until further notice.

Petitions:

1. Petition for Special Exception for Patrick Deacon on behalf of Amberlake Sportsman's Club LLC represented by counsel Gregory H. Hofer and Mladenka Rodriguez for a conservation club on S. 725 E., Mill Creek (34.67 acres) and 7154 E. 100 S., Mill Creek (39.9 acres); four (4) rental cabins on the property at 7154 E. 100 S., Mill Creek (39.9 acres); four (4) rental cabins on the property at E. 100 S., Mill Creek (70 acres); four (4) rental cabins on the property at S. 775 E., Mill Creek (20.6 acres). The main property is located at 7154 E. 100 S., Mill Creek, IN., Lincoln Twp., zoned A on a contiguous total of 165.17 acres. Parcels 46-12-05-300-009.000-055; 46-12-08-100-

004.000-055; 46-12-08-100-002.000-055; 46-12-08-200-007.000-055.

WITHDRAWN

2. Petition for Variance of Use for Cecil Pryor III for a residential assisted living with a maximum of four (4) residents. The property is located at 5493 N. Hwy 35, LaPorte, IN., Springfield Twp., zoned R1B on 1.15 acres. Parcel 46-06-06-276-005.000-062.

POSTPONED

3. Petition for Variance of Developmental Standards for Shari Nowatzke for use of two (2) RVs for personal use between May to September on vacant lot. Will begin construction of primary residence in 2022 where the RVs will then be placed behind the home to be stored. This property is located west of 9655 W. 200 N., Michigan City, IN., Coolspring Twp., zoned R1A on 7.34 acres. Parcel 46-05-21-376-013.000-046.

Attorney Biege stated notice is adequate.

Shari Nowatzke stated her address is 3061 W. 55th Ave. Merrillville, IN.

Melissa Mullins Mischke stated to explain about the RVs she is going to put on the property,

Shari Nowatzke stated she did contact a lawyer and told her to get back with Ashley, which she did. The first time she filed with Janet, she had asked her if she was planning on purchasing another one. She told Janet she was not. She told her that her son had one (1) and they wanted to put both of them on that property. Janet then asked how many other children I had. She said three (3) and Janet said she would put five (5) on the paperwork in case someone else wanted to put

one (1) on there. She never said that she was putting more on there. She has one (1); she's not getting another one (1). That is where the five (5) came in. She said that way you won't have to come back if somebody purchases one (1), but she never said she was purchasing another one (1).

Melissa Mullins Mischke asked if the RVs are going to be there for storage.

Shari Nowatzke stated they would like to use it. She is going to build a home there and is currently looking for builders.

Melissa Mullins Mischke asked if she wants to live in the RV while the home is being built.

Shari Nowatzke stated no, never live in them.

Melissa Mullins Mischke asked if they are going to be stored there.

Shari Nowatzke stated they will be stored there, but they would like to stay there in the summer. Not live in, no. Never live in it.

Melissa Mullins Mischke stated what she means by stay there in the summer.

Shari Nowatzke stated like a camper. It's a camper.

Melissa Mullins Mischke stated she wants to stay in the camper on the property before the home is built during the summer months.

Shari Nowatzke stated yes, but they wouldn't be living there. They would spend the night, yes.

Melissa Mullins Mischke stated the rules about RVs in residential areas is that there is a limited amount of time to stay in them and then they have to be moved or not stay there the full time. If they go there for a week it would matter.

Shari Nowatzke stated it would be more like a weekend.

Melissa Mullins Mischke asked how soon she intends to build a home.

Shari Nowatzke stated they are looking for contractors right now.

Melissa Mullins Mischke asked if she has an estimate.

Shari Nowatzke stated she would like to start in the spring.

Dwayne Hogan asked if she plans on putting water and electric hook up to the campers.

Shari Nowatzke stated electric they would need, yes.

Dwayne Hogan asked if they would be hooked up to a direct sewer or use the tanks.

Shari Nowatzke stated no, they are self-contained and use a compost system.

Adam Koronka asked for clarification on the composting.

Shari Nowatzke stated she's not an expert on it, but a chemical gets poured in the toilet and its compost.

Dwayne Hogan asked where it goes.

Shari Nowatzke stated you take out the compartment and empty it like a compost.

Melissa Mullins Mischke asked where she is going to empty that.

Shari Nowatzke stated outside on the property.

Melissa Mullins Mischke stated she's looking at photos and they don't look like RVs. They look like a house on a trailer.

Shari Nowatzke stated yes, it's a tiny home, but they are classified as an RV. They have a title and license plate just like an RV. They can be taken to campgrounds.

Dwayne Hogan asked if they are also called a tiny house.

Shari Nowatzke stated yes. Theirs does not remove from the trailer though.

Melissa Mullins Mischke stated her opinion is that this is not a camper and campers belong in campgrounds unless they are being stored for the winter. This does not, in her opinion, give her the camper feel. That is her only concern that it looks like something she is going to live in year-round.

Shari Nowatzke stated they're not.

Melissa Mullins Mischke stated she knows that is what she is telling her, but the reality of it is not always what they are telling her in the meeting.

Dwayne Hogan stated he's not sure about the compost either. He doesn't know if he's allowed to have that and just dump it on the ground.

Shari Nowatzke stated it's all green. The new tiny homes are a thing that is up and coming and that's what they have.

Dwayne Hogan stated if it was human waste, they're going to dump it on the ground.

Shari Nowatzke stated they have a special toilet and special chemical to put in it. That's what they are for.

Melissa Mullins Mischke stated a composting toilet that will be added to the compost pile.

Shari Nowatzke stated yes. It's green; that's what they're supposed to do.

Remonstrators:

Bill Davis stated his address is 9757 W 100 N, Michigan City, IN.

Bill Davis stated he has two (2) concerns. He will address the second one first since it came up with the composting. This property is very low and has standing water on it most of the time.

(Supplies Board with visuals.)

Bill Davis stated his brother-in-law, Richard Foldenauer, lives adjacent to the property and has farmed it for many years. There is a stream that runs through the property that is noted on the diagram he provided. It's basically collecting water that comes from the northeast and it runs through the property to the spring that runs through there and drains off going to the southwest and eventually joins the drainage ditches that go down 421. He has real concerns about any kind of green septic or sewage being dumped on the ground and quite frankly questions whether building a house would be a good idea. He is unaware if there has been a permit issued for the house, a septic, or if they could even get one (1) with the condition of the property. It likely will not perk. Drainage and sewage running across into the adjacent fields would be a big concern for him. His first concern had to do with how the petition was originally put forth in November for five (5) units to be put on the property. He did some research and the property was transferred from an entity known as Sand Vacation Properties LLC back in September of last year prior to the petition being issued. Shari Nowatzke is a Principal of Sand Vacation Properties LLC at her residence in Merrillville. The property is listed as owner of Shari Nowatzke and her address the same as Sand Vacation Properties LLC. He sees how it could turn into a vacation rental kind of property in the summer months. Start with one (1) unit, two (2) units, add another unit and before you know it it's an AirBnB kind of operation. That concerns him as well. The size of the lot, while it's listed as seven and a half (7½) acres it is divided by 200 N so the size of the actual property is really only a little over three (3) acres. Putting a house and two (2) other residences on this property would be tight. As far as it being used as a staging for the construction of a home, he believes a trailer is only allowed on a property as a construction office and not as a residence. Those are his points.

Wayne Novak stated his address is 9627 W 200 N, Michigan City, IN.

Wayne Novak stated what Bill Davis just said was true about the property being listed on Sand Properties. She bought it from his brother. When they red tagged it, he called and asked what's going on, and they said she has title work to do and that's when it went into Shari Nowatzke's name. As far as that side of the road where the trailer is parked right now, that is all fill there. It is fill from the County berming roads years ago when his father owned the property. He has the

same worries about it being rented out as an AirBnB. If a house is built, is it going to be a single residence, a duplex, or multi-family residence that in turn is rented out. He is not for the mini homes. If they are allowed, where will they be parked. The seven (7) or so acres are adjoined to other property. Are there any remonstrators that were mailed in? If this was a continued meeting, there should have been.

Michael Polan stated yes, they do have additional written correspondence.

Wayne Novak stated that should address it also.

Melissa Mullins Mischke stated thank you for reminding her that she does have a number of written correspondences regarding this petition and they will be on file to view in the Building Commissioner's Office.

Shari Nowatzke stated as far as purchasing the land under Sand Vacation Properties, she did have a vacation rental home in Miller Beach. She has since sold that and it is no longer. That is why it came back to her name. One (1) has nothing to do with the other. She purchased it for tax reasons and she no longer has that home.

Melissa Mullins Mischke asked if she is planning on building a single-family home.

Shari Nowatzke stated yes, she is.

Melissa Mullins Mischke stated not a duplex or rental.

Shari Nowatzke stated no.

Melissa Mullins Mischke asked where on the property will the residence be located.

Shari Nowatzke states she wanted it to be on the three (3) acre side, but she knows there are septic problems so if it has to go on the four (4) acres then it has to go on the four (4) acres. The same for the tiny home.

Michael Polan asked if all Board Members have received the written correspondence that they have received on this.

Melissa Mullins Mischke stated she believes so.

Adam Koronka made a motion to deny the Petition for Variance of Developmental Standards for Shari Nowatzke for use of two (2) RVs for personal use between May to September on vacant lot. Will begin construction of primary residence in 2022 where the RVs will then be placed behind the home to be stored. This property is located west of 9655 W. 200 N., Michigan City, IN., Coolspring Twp., zoned R1A on 7.34 acres

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

4. Petition for Variance of Developmental Standards for John and Debbie Floyd for continued of a mobile home. Last variance granted 6/19/2009 for 3 years renewable. The property is located at 6486 W. Forrester Rd., LaPorte, IN., Coolspring Twp, zoned A on 2 acres. Parcel 46-05-36-100-009.000-046.

Attorney Biege stated notice is adequate.

Michael Polan stated one of the parties is sick. They are also up there in age. He is asking that this be tabled or ask if the Board is interested in the Building Department handling it internally in Office.

Melissa Mullins Mischke asked Attorney Biege if that is something they can do.

Attorney Biege stated the Board can table it and if the issue gets resolved through the Building Commissioner in the meantime, it could be removed from the agenda for the future.

Melissa Mullins asked for a motion to table.

Dwayne Hogan made a motion to table the Petition for Variance of Developmental Standards for John and Debbie Floyd for continued of a mobile home. Last variance granted 6/19/2009 for 3 years renewable. The property is located at 6486 W. Forrester Rd., LaPorte, IN., Coolspring Twp, zoned A on 2 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

5. Petition for Variance of Developmental Standards for Scott Hill for continued placement of a mobile home. Last variance granted 8/16/2011 for one year. The property is located at 3361 N. 100 W., LaPorte, IN., Center Twp and zoned R1A. Parcel 46-06-13-301-005.000-042.

Attorney Biege stated notice is adequate.

Scott Hill stated his address is 3361 N. 100 W., LaPorte, IN.

Melissa Mullins Mischke asked Mr. Hill what kept him from applying for his variance that was granted in 2011 that was for one (1) year.

Scott Hill stated he never got any notifications for any more variances to be updated on it. The last time he heard from it was the first time he heard from the County.

Melissa Mullins Mischke stated that for him as well anyone else with a mobile home in attendance or on Zoom that it is their responsibility as the owner to file for their variance. They

are not going to remind them every year that their variance is up. Going forward, no matter what the decision today is, all mobile homes that receive a variance will be the responsibility of the owner to file for the continued placement.

Scott Hill stated ok.

Melissa Mullins Mischke asked who lives in the mobile home currently.

Scott Hill stated he lives there with his girlfriend.

Melissa Mullins Mischke asked what year the mobile home is.

Scott Hill stated it is a 1995.

Melissa Mullins Mischke asked if he is building at any point.

Scott Hill stated he plans on building next summer. That's the plan.

No remonstrators present.

Glen Minich asked what time frame variance are they asking for if he is going to build in a year. Is he looking for a two (2) year term of this variance?

Scott Hill stated a two (2) year variance.

Melissa Mullins Mischke asked if he could get a home completed within two (2) years.

Scott Hill stated he believes so if he starts next spring or summer.

Melissa Mullins Mischke asked if that was a yes to completing in two (2) years.

Scott Hill stated yes.

Glen Minich stated he could always come back and see them again if not.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Scott Hill for continued placement of a mobile home for two (2) years renewable. The property is located at 3361 N. 100 W., LaPorte, IN., Center Twp and zoned R1A.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

6. Petition for Variance of Developmental Standards for Elmer Varro II and Elmer Varro III to reside in a mobile home until the new home is built in about 1 year. The

property is located at 1422 S. 875 E., Mill Creek, IN., Lincoln Twp. Parcel 46-12-09-251-005.000-055

Attorney Biege stated on notice the publication is adequate.

Elmer Varro III stated his address is S. 875 E., Mill Creek, IN.

Melissa Mullins Mischke asked how long the mobile home has been there.

Elmer Varro III stated just a couple months.

Melissa Mulling Mischke asked what year it was.

Elmer Varro III stated 2006.

Melissa Mullins Mischke stated they plan on building within a year.

Elmer Varro III stated yes.

Melissa Mullins Mischke asked if they would be completed within the year.

Elmer Varro III stated yes. He wants it completed before winter.

No remonstrators present.

Adam Koronka asked Attorney Biege and the Board about the photos showing RVs versus mobile homes, does that need to be noted accordingly for the variance.

Attorney Biege stated yes, he can make a note that it is mobile home only.

Adam Koronka stated that in this particular case it is a pair of RVs.

Michael Polan stated it was filed in the office as a mobile home, but upon inspection and photos they discovered two (2) campers.

Attorney Biege stated he can let the findings show that they are RVs. That should be fine depending on what the Board wants to do.

Adam Koronka stated he is looking at the plot map and there is quite a bit of wetlands. Do they plan to build towards the road itself?

Elmer Varro III stated yes.

Glen Minich stated he doesn't really have questions. He knows the Varro's. He knows that when there is a flood in this County, they are the ones that are sent to the river to break, plug the holes,

and do all the work. These guys do a lot of work for LaPorte County. He's not going to tell them they can't live in that because they will use it in different situations also, he's sure.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Elmer Varro II and Elmer Varro III to reside in a mobile home (2 RVs) until the new home is built in about 1 year. The property is located at 1422 S. 875 E., Mill Creek, IN., Lincoln Twp.

Adam Koronka seconded.

Approved. Motion carries 4-1.

7. Petition for Variance of Developmental Standards for Brian S and Allyson Spears for continued place of a mobile home to reside in. Last variance granted 10/15/2013 for 3 years. This property is located at 10061 W. 860 S., Wanatah, IN., Clinton Twp. zoned R1B. Parcel 46-13-17-428-004.000-044.

Attorney Biege stated notice is adequate.

Brian and Allyson Spears stated his address is 10061 W. 860 S., Wanatah, IN.

Melissa Mullins Mischke stated their last variance was in 2013. Is there a reason they haven't heard from them since the last variance?

Brian Spears stated he didn't know it was only for three (3) years until he started looking at the paperwork when he got the notification from them.

Melissa Mullins Mischke asked what year the mobile home is.

Brian Spears stated he isn't sure. He thinks it's a '68 or '69.

Melissa Mullins Mischke asked if there are any plans to build a permanent residence.

Brian Spears stated he's not sure that they would be able to because of the septic and lateral situation there. He doesn't think they would allow him to do it because the septic. It could be grandfathered he guesses, but he doesn't know if it would be allowable or if it would be feasible to even move the mobile home out of there because there are no axels underneath it. He priced it out around fifty to seventy-five thousand dollars (\$50,000 - \$75,000) to get rid of the mobile home and to build something.

No remonstrators present.

Glen Minich stated they have seen other mobile homes in this neighborhood in the past. It is a common thing in this neighborhood. They should probably address that they don't want this to be a permanent situation as far as when they are finished living there, they want to see the property cleaned up and the mobile home removed.

Melissa Mullins Mischke stated she agrees.

Glen Minich stated he is in favor of granting a variance for them to live there and be able to do what they need to do, but he doesn't want to see it being a permanent residence.

Michael Polan stated he would like to make a statement to the Public and to the Petitioner that the variances that are granted are with the condition that upon any sale or transfer of the property, the mobile home must be removed. Any sale or transfer of the property with the mobile home on it will be disallowed at the recording of the deed stage. The attorney can add to that if he wants to.

Melissa Mullins Mischke stated Paul Zona finally got his wish.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Brian S and Allyson Spears for continued place of a mobile home to reside in until transfer of the property. This property is located at 10061 W. 860 S., Wanatah, IN., Clinton Twp. zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

8. Petition for Variance of Developmental Standards for Michael Conlon for continued place of a mobile home for two (2) years then will be removed. Last variance granted 5/19/2009 for 3 years renewable for mother Geraldine Conlon. This property is located at 9097 S. 700 W., Union Mills, IN., Clinton Twp. zoned A on 8 acres. Parcel 46-13-24-100-001.000-044.

Moved to the End of the Agenda

9. Petition for Variance of Developmental Standards for Shane and Allison Morton for continued place of a mobile home. Last variance granted 12/18/2018 for three (3) years renewable. This property is located at 605 S. 700 E., Mill Creek, IN., Lincoln Twp. zoned A on 3.606 acres. Parcel 46-12-05-300-044.000-055.

Attorney Biege stated notice is adequate.

Allison Morton stated her address is 605 S. 700 E., Mill Creek, IN.

Melissa Mullins Mischke asked what year the mobile home is.

Allison Morton stated it is a 1995 and has been there since 1995.

Melissa Mullins Mischke stated the two (2) of them live there; are there any plans?

Allison Morton stated there are five (5) of them there and the County has made it very clear that they cannot build there because they do not have two hundred feet (200') of road front property. They are only there as a medical help for the in-laws who live next door and are also on Zoom. They are there for the foreseeable future at least until something in that department changes.

Remonstrators:

Stanley Morton stated his address is 603 S. 700 E., Mill Creek, IN. He is Shane's father. He is on disability. His wife is legally blind. They are both sixty-eight (68) years old. The kids help them out enormously. It would be bordering on harm if they were not allowed to be there to help them at certain times.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Shane and Allison Morton for continued place of a mobile home for three (3) years renewable. This property is located at 605 S. 700 E., Mill Creek, IN., Lincoln Twp. zoned A on 3.606 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

10. Petition for Variance of Developmental Standards for Hoy D (deceased) and Lenore J Howard for continued place of a mobile home to be used for storage only. There are no records of previous variances. This property is located at 3016 N. 100 W., LaPorte, IN., Center Twp. zoned R1B on 1.2 acres. Parcel 46-06-14-400-051.000-042.

Attorney Biege stated notice is adequate.

Lenore Howard stated her address is 3016 N. 100 W., LaPorte, IN.

Melissa Mullins Mischke asked if she wanted to use it for storage only.

Lenore Howard stated yes, that's what it is used for.

Melissa Mullins Mischke asked how long it has been there.

Lenore Howard stated they bought the property twenty-five (25) years ago and it was there before. It has been there a long time.

Melissa Mullins Mischke asked if anyone had ever lived in it.

Lenore Howard stated the people that lived there were the people that owned the whole farm and that was Paula Diesslin. They had it put in there.

Melissa Mullins Mischke stated since they have owned the property, nobody has ever lived there.

Lenore Howard stated no.

No remonstrators present.

Glen Minich stated it is on a separate lot from the home correct.

Lenore Howard stated yes, but it is still her property.

Glen Minich stated correct, but they are adjoining properties correct.

Lenore Howards stated yes.

Glen Minich stated the Board would be concerned about when it would go away. They wouldn't want it left there. At the transfer of the property, it would have to be removed so that takes care of that. That is his concern.

Melissa Mullins Mischke stated her concern is that she isn't comfortable with it being used for storage. They have a hard enough time getting people who live in these mobile homes so to approve it for storage only presents a hard time for her. There really are people who have a hardship or need to live in a mobile home and they are trying to get them to move into a mobile home park; that is her only concern.

Glen Minich stated in this case, it's not much different than a storage unit. It's no different than if she brought in an aluminum storage building to some extent. There's no septic hooked up to it?

Lenore Howard stated no. No water or anything.

Glen Minich stated there's no septic. It's a rural setting. Nobody is complaining about it.

Lenore Howard stated she is in the middle of a corn field. There are no neighbors.

Glen Minich stated he wouldn't want to make it commonplace.

Adam Koronka stated right, who is it bothering?

Attorney Biege stated they might want to add that there's a possibility that this might be grandfathered in anyway since it's been there for so long. It may have been there before the County entered into its mobile home requirements.

Melissa Mullins Mischke thanked Attorney Biege.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Hoy D (deceased) and Lenore J Howard for continued place of a mobile home to be used for storage only. This property is located at 3016 N. 100 W., LaPorte, IN., Center Twp. zoned R1B on 1.2 acres.

Adam Koronka seconded.

Approved. Motion carries 4-1.

11. Petition for Variance of Developmental Standards for Edyta Nedza for placement of temporary shipping containers to keep building materials in. To build pole barn before home. To keep permanent parking for semi-tractor and 3 different types of trailers. This property is located south of 6233 N. 300 W., Michigan City, IN., Springfield Twp. zoned A on 2 acres. Parcel 46-02-34-300-022.000-062.

Attorney Biege stated notice is adequate.

Jack McDonnell stated he represents Milmar Buildings as the builder of the pole barn. The business address is 7657 State Road 2, LaPorte, IN.

Melissa Mullins Mischke asked what the plan was.

Jack McDonnell stated the temporary storage containers would be there until the building went up. The point of putting the building up before the house is to get those containers out of there. That's the point of that. The trailers are not for business use; they are for parking in between business use. Nedza's run a business where they have trucks going back and forth and those would not be to load there or unload there or employees to be there. They are simply for overnight parking when they are between projects. The plan is to build a privacy fence around the back of the property to potentially shield the trailers and the post frame building with the home being built up front so it is very residential.

Melissa Mullins Mischke asked how often do the trucks move if they are not apart of the business and there for overnight parking. Every day tractor-trailers are going in and out?

Robert Nedza stated he resides in River Grove, IL. The property is the plan for the future to move to Indiana. They started the plan for his retirement. There is not a plan for trucks coming in and out. He has a trucking business in Chicago right now. In the future, he wants to move there to Indiana and be able to be an owner operator and work and travel to nearby states and park his truck at home. Right now, he has fifty-three-foot (53') trailers, but later maybe straight trucks. He just wants to make sure he can park his equipment on his property when he comes home. That was his plan when he bought the property. It is important for him because if he can do something like this then he doesn't spend too much money for the property.

Jack McDonnell stated it's for parking when he is home correct. It is for him, not his employees.

Robert Nedza said that is correct. It is not for the employees. Not for the business.

Melissa Mullins Mischke asked how many trailers they are talking about.

Robert Nedza stated right now, he can say he will park the three trailers. Maybe he will only park one (1) trailer. His plan is to work by himself so he may use a different equipment attachment for

the truck. Maybe something with a dump, or a flatbed, or something. No more than two (2) or three (3) max.

Melissa Mullins Mischke asked how many are on the property currently.

Robert Nedza stated four (4), but it is like the storage right now. Only building materials are there right now because it is not safe to leave everything outside since there is no fencing. He doesn't have a security guard to stay there and look out for the stuff.

Melissa Mullins Mischke stated they did receive written remonstrance which will be available in the Building Commissioner's Office.

Remonstrators:

Dick Buell stated his address is 3191 W. 625 N., Michigan City, IN. This petition does not sound good to the neighborhood or the community. There are too many open ends and not enough commitments as to what is going to go on. They don't need semi tractors and trailers traveling on 300 W. There is a fire department down the road whose Chief sent in a letter. There is an elementary school down the road; there is a lot of bus traffic. That is a concern. There is the frost law with semis coming on the County roads. The roads don't hold up as they are so they don't need the truck traffic. There's a traffic situation at 300 W and 20. They are all familiar with the hazard in that area. For example, if there is a truck heading West on 20 going to take a right on 300 W and there is a school bus sitting there, that truck cannot make that turn. The school bus can't move. The truck can't move. They are asking for problems. If the truck is headed East and turning left then there is a problem with traffic coming up on the truck if they have to set and wait. They have all had those accidents up on 300 W and 400 W that they are familiar with. There are real estate issues with people buying or selling their homes. There's a letter from the realtors that it will diminish their property values. If they are going to build a fence around a property like that, a six to six and a half foot (6' – 6'6") fence is not going to hide a thirteen and a half foot (13'6") trailer. It's the aesthetics of the area as well. The two previous owners were denied septic permits in that area. He is unsure if something has changed or not, but he doubts whether a septic permit would be issued for a home in that area.

Rick Hutchinson stated his address is 300 N. Kelly St., Hobart, IN. Where this is going on, it is an eyesore, but as Dick mentioned with the traffic and semi's, his property is right across the street. His concern is that it will be a shop in the pole barn and he will be working. Is it a business? He doesn't want to hear any air tools disrupting their neighborhood. He plans on building in the next few years so he is concerned about the upkeep of their roads and with the accidents as Dick mentioned on 20 nearby. It has been an issue over the years.

John Roach stated his address is 8316 W. 625 N., Michigan City, IN. That is his residence and he lives right around the corner from this proposed development. He has two (2) points to make. One (1) is the volume of traffic, not only down 300 W, but there was a study provided by their township trustee done in 2016. The volume of traffic between Highway 35 & 39 is twenty-nine thousand (29,000) vehicles in twenty-four (24) hours. Between six in the morning and six at night (6am – 6pm) there are twenty-two thousand (22,000). That's one (1) vehicle every two (2)

seconds for twelve (12) hours. You take that and mix in the lack of a turning lane on Highway 20 there and a semi that is using County Road 300 and they are asking for trouble. They think the risk for accidents really goes up. The second (2nd) point is that he owns two (2) homes within eyesight of his proposed project; one (1) is for sale right now with a prospective buyer. He sent in a letter saying that if the variance goes through, he doubts that he will buy the property. The variance hasn't gone through and he already has a financial stress point. Is the same thing going to happen to the other home this summer when it's for sale? If the variance goes through, he is morally bound to at least tell a prospective buyer for that home what is going to happen on that property. Is he going to be able to sell the house or at the price that he wants? It can affect their property values, just the thought of a trucking company coming in there.

James Pytynia stated his address is 6186 N. 300 W., Michigan City, IN. It is directly across the street. His lower yard is four feet (4') below his yard which water runs off through his yard and into the creek in his back yard. If there is any pollution it will go right into the creek. From the creek, it goes to Lake Michigan. They have big game fish come up through the creek. He's sure the farmers water their cattle through that creek. Any pollution would be bad. He has also observed that he has removed two (2) trailers this past month and while removing them, the fire department had a call. He had one (1) trailer sitting right on the side of the road; the East side of 300 W. The thought of it being there while the fire department is having to go by is no good. He agreed with the petition that everybody signed and had submitted. With the school busses and everything else, it is the wrong place for a trucking company.

Bobby Swartz stated his address is 6392 N. 300 W., Michigan City, IN. He agrees with most of the items they have already heard, but reading the variance motivated him to come up because for a variance for a house you typically don't need to file for, it is a whole different process. Is it a business or is it residential? Storage, tractor, pole barn, fence, and all those things start to sound like a used car lot. More importantly, they do own a trucking business. Robert identified that Edyta doesn't care to be here. There is a UCC filing against the current company in Chicago. The sole ownership of the property is under Edyta. It would seem like it's a great place to store business equipment that would otherwise be potentially be removed from different businesses out of state. He doesn't know if that is the case, but it seems like a lot of a trouble to go through for a residential permit.

Vena Swain stated her address is 6233 N. 300 W., Michigan City, IN. Her husband and her own the adjoining piece of property from Mr. Nedza. She would like to add to what Mr. Pytynia said for the ground contamination. They all have well water. Mr. Nedza currently has four (4) trailers, a tractor, a dump truck, and an excavator sitting on his piece of property. He at one (1) point has six (6) trailers and then removed the two (2). Ground contamination is a big issue that they have well water and there is no cement ground over there or gravel base. There is nothing except the soil. In addition to that, there are several people in the neighborhood who walk daily up and down the road. There is one (1) woman who walks about six (6) miles a day. She is an elderly woman. There are so many reasons why this is just not a good idea. If Mr. Nedza wanted to come and build a home and live there as one of their neighbors she would say, "Welcome," but to run a home-based trucking business is just not a good idea. He mentioned that his employees would not be driving the trucks in and out, he would, but it doesn't matter who is driving the trucks; they are still being moved about and out and around and causing potential hazards. She

knows she received a copy of the petition and everything that was submitted to them. In the best interest of their little community, this should not be approved. She would welcome Mr. Nedza. She has met a lot of her neighbors and they have some really good people.

Paul Moon stated his address is 6534 N. 300 W., Michigan City, IN. He agrees with all the remonstrators. He lives right down the road and he farms. He has semi's and yes, getting onto their road is difficult. He goes out different roads to get away from that intersection for that simple fact. When you come West and go to turn on 300 W, if there are any kind of vehicle there you can't get around the corner with a semi. He farms. Glen knows that. He has trucks, equipment, dozers, but it all pertains to the farm. He agrees with everybody, if he wants to build a home there and move there as a resident then perfect, great. To run a business there of that sort, no. He has been around the trucking business his whole life and it can get out of hand. He tries to be cordial about his business at the farm. He's not sending anything out at night or bringing anything in at night. Glen would understand that as he farms too. You have to be cordial to your neighbors and from what he's seen it's not going to work.

Melissa Mullins Mischke stated she has concerns too. Is it too much in one (1) petition? Are they going to put some storage containers on there so they can build the residence? That she is moderately okay with, but whether or not it is a business or not a business is not really clear to her. She can certainly understand the concerns of the neighbors.

Michael Polan stated he was the Enforcement Official that made contact with the Petitioner to require them to file for a variance which in turn triggered the contacting of the surrounding parcels. He has spoken to the Petitioner at length to try and determine it is that he is doing. From the lengthy discussion that took place, it is his understanding, he wants to get out of the trucking business in Illinois. They can correct him if he's wrong when he's done with his analysis, but he wants to get out of that business and just be a solo trucker. He wants to do his own run. It is not a trucking business coming here. He wants to build a home and reside there while being a trucker with one (1) tractor that he drives and he doesn't know which trailer he would need which is why he filed the variance for three of the possibilities whether it's a dump, a straight, or whatever product he would be hauling. He wanted to clarify that point.

Jack McDonnell stated correct. It would be a single truck coming in. He understands the concerns. He is not as familiar with that road as the builder, but it sounds like it is more difficult for a semi-truck, but it wouldn't be multiple trucks coming and going. It would be a single truck, just different trailers hooked up to that truck. The point of the post frame building was to make it look more residential. The fence too; a fence wouldn't hide a tall trailer, but it would hide a lower flat bed trailer. The house would then go in front of that. He did explain to Mr. Nedza that it would be easier if the house went first, but for the materials he has out there he would like to get them inside a building, hence the post frame building.

Dwayne Hogan stated he is concerned about the safety going back and forth off that road, the letter from the fire departments, and multiple remonstrators. He has a big concern about it.

Dwayne Hogan made a motion to deny the Petition for Variance of Developmental Standards for Edyta Nedza for placement of temporary shipping containers to keep building materials in. To

build pole barn before home. To keep permanent parking for semi-tractor and 3 different types of trailers. This property is located south of 6233 N. 300 W., Michigan City, IN., Springfield Twp. zoned A on 2 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

12. Petition for Variance of Developmental Standards for Gerald Mitchell for continued place of a mobile home. Last variance granted 5/19/2009 for 3 years renewable. This property is located at 8601 S. 1010 W., Wanatah, IN., Clinton Twp. zoned R1B. Parcel 46-13-17-429-003.000-044.

Attorney Biege stated notice is adequate.

Gerald Mitchell stated his address is 8601 S. 1010 W., Wanatah, IN.

Melissa Mullins Mischke asked how long the mobile home has been there.

Gerald Mitchell stated he purchased the place from Jim Penrod. His mother was living there at the time. He got it from him around 1995 or 1996. He told him that it was classified as a house because it has a concrete foundation and he said okay. He paid it off and exchanged the title over to him in 2008. Then he got called about the variance which he never knew about before. He came up and spoke to the people, told them what he was told, and they said he had slipped through the cracks. He was told he would be allowed to live there and whenever they leave or get ready to move, the property cannot be sold with the trailer on it.

Melissa Mullins Mischke stated yes.

Gerald Mitchell stated he has never really heard anything about a variance before until they sent him a letter recently. He did look it up and it said something about X amount of years which he didn't check because he thought it was all taken care of. The trailer is a 1965 he believes and he would guess it has been there forever to his understanding.

Melissa Mullins Mischke stated it has been there as long as she's been around. She's not saying that's forever.

Gerald Mitchell stated so it's about twenty (20) years then.

Dwayne Hogan stated close.

Melissa Mullins Mischke stated yes. What year would make the mobile home grandfathered?

Attorney Biege stated it is unclear. If they are talking back into the 60's, it is probably grandfathered, but it's not real clear how the previous code handled it.

Melissa Mullins Mischke stated it definitely has not been replaced.

Gerald Mitchell stated no.

Melissa Mullins Mischke asked who lives in the mobile him.

Gerald Mitchell stated just him.

No remonstrators present.

Melissa Mullins Mischke asked if he has plans to ever remove it and build or live there as long as the mobile home will last.

Gerald Mitchell stated he is not sure how long that will be either because of the year.

Melissa Mullins Mischke stated if it doesn't last too much longer, then he will remove it obviously and not replace it with a new one.

Gerald Mitchell stated he'll get himself a teepee. He checked with Fairmont Homes out of Nappanee. He has to check some other places as far as foundation work and all that happy stuff. He is assuming he will have to get a different septic system. He did get a new well about four (4) years ago because the cast iron stuff cracked. He is unsure how much all of that will cost and he doesn't know what kind of buildings and stuff like that he can do.

Melissa Mullins Mischke asked if he is willing to replace it if it has outlived its usefulness.

Gerald Mitchell stated yes, it depends on what it will cost him.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Gerald Mitchell for continued place of a mobile home for three (3) years renewable. This property is located at 8601 S. 1010 W., Wanatah, IN., Clinton Twp. zoned R1B.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

13. Petition for Variance of Developmental Standards for Chris and Teresa

Laroche for construction of a cabin less than 1,000²' but larger than 560²'. This property is located at 7738 N. 200 E., LaPorte, IN., Galena Twp. zoned A on 1.98 acres. Parcel 46-03-29-200-014.000-048.

Attorney Biege stated notice is adequate.

Chris and Teresa Laroche stated their address is 8946 Grace St., Highland, IN.

Melissa Mullins Mischke asked if this is a tiny home.

Teresa Laroche stated no. It is a log cabin.

Chris Laroche asked if they have ever been to Shipshewana.

Board collectively affirms.

Chris Laroche stated it's like the cabins they sell meant for recreation. They stayed in one (1) for their anniversary in Michigan and they fell in love with it. It's like that. He has a brochure from a place. He wanted to do the ones from Shipshewana, but they are more than a year out and the place he really wanted to go with aren't available until 2024.

Melissa Mullins Mischke stated she would love to see the brochure.

Chris Laroche gives the brochure to the Board.

Melissa Mullins Mischke stated there is a structure there currently. Is that the garage?

Chris Laroche stated that is the pole barn.

Glen Minich asked if he bought the property that way.

Chris Laroche stated there was another building that they built on top of the pad. There was a trailer there too, but it was removed before they bought it.

Teresa Laroche stated there was an original pole barn. They demolished that and built the new one (1) on top.

Glen Minich stated there was a building before a home.

Michael Polan stated he is not familiar with that; it could have been before his time.

Ashley Kazmucha stated it could be before hers as well.

Glen Minich asked when the pole barn was put up.

Chris Laroche stated almost ten (10) years ago.

Teresa Laroche stated they looked for property in LaPorte and from their realtor, the understanding was that they were grandfathered in. It had a run-down pole barn on it at that point so they were able to purchase the property with the pole barn on it. That was the intent; he is a man with toys and they intended to store his toys in the pole barn.

Melissa Mullins Mischke stated for Dwayne, how big is the pole barn.

Dwayne Hogan stated probably not big enough.

Chris Laroche stated absolutely, not big enough. He should've went huge.

Melissa Mullins Mischke stated the decision between the square footage is which model they are going to pick, what is available sooner.

Chris Laroche stated he doesn't want to get too excited because they love those things. If approved, they were going to go to Wisconsin where the place is at and take a look and price some up.

Melissa Mullins Mischke asked if he's going to make sure there's a laundry facility for his wife, correct.

Chris Laroche stated no,

Teresa Laroche stated she trying to not to even have a kitchen.

Melissa Mullins Mischke stated outstanding.

Teresa Laroche stated it will really be a one (1) bedroom one (1) bathroom cabin.

No remonstrators present.

Glen Minich asked how it will be handled in the building department as far as a foundation or what.

Chris Laroche stated he is going to put it on a crawl space because that is what the Amish said the best way to do it is.

Michael Polan stated if the variance is granted by the Board and they subsequently issue a permit for it, it would be subject to Building Code and inspections.

Adam Koronka stated realistically, the variance is just for the less than one-thousand square feet (1,000²).

Glen Minich stated it sounds like it.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Chris and Teresa Laroche for construction of a cabin less than 1,000² but larger than 560². This property is located at 7738 N. 200 E., LaPorte, IN., Galena Twp. zoned A on 1.98 acres.

Dwayne Hogan seconded.

All Approved. Motion carries 5-0.

14. Petition for Variance of Special Exception for Tong's Property LLC (Yan Tong Guan) owner and Sunbreak Entertainment Corp. (Hang Chen, Yan Gao, & Zhong Chen) renter for an outdoor shooting range. This property is located across from 6961 S. 3rd Line Rd., Kingsbury, IN., Washington Twp. zoned M2 on 38.507 acres. Parcel 46-15-09-100-004.000-066. (This will be tabled until further notice.)

TABLED

8. Petition for Variance of Developmental Standards for Michael Conlon for continued placement of a mobile home for two (2) years then will be removed. Last variance granted 5/19/2009 for 3 years renewable for mother Geraldine Conlon. This property is located at 9097 S. 700 W., Union Mills, IN., Clinton Twp. zoned A on 8 acres. Parcel 46-13-24-100-001.000-044.

Attorney Biege stated notice is adequate.

Michael Conlon stated his address is 1255 W. Thorndale Ave., Chicago, IL.

Melissa Mullins Mischke asked who currently resides at the property with the mobile home.

Michael Conlon stated no one. His mother died in 2018 and he had thought at one (1) time that there was no need for the variance anymore so since he will not be using it as a full-time residence, he planned on removing the trailer from the location.

Melissa Mullins Mischke stated the petition is for continued placement of it. What kind of time frame is he looking for removing it; the two (2) years?

Michael Conlon stated two (2) years given the current situation with the pandemic it is difficult. Looking at his options, he will probably have to have the trailer torn down in place. He doesn't think anyone is going to want to buy it. He looked at other options. There are just not many options other than having it torn down in place and going through the process of trying to find someone to get that done and getting it done. He asked for two (2) years to be on the safe side to make sure he has enough time to get everything done and get the trailer out of there.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Michael Conlon for continued placement of a mobile home with no residential use for two (2) years, non-renewable; must be removed by the end of two (2) years. This property is located at 9097 S. 700 W., Union Mills, IN., Clinton Twp. zoned A on 8 acres.

Adam Koronka seconded.

All Approved. Motion carries 5-0.

Melissa Mullins Mischke asked for any other business.

Michael Polan stated when he comes up to get filed from the Board, he can show the Board the updated mobile home list that they have, that is color coded, done by their Tech Sergeant here. There is also a renewal post card that they can send out for those that may forget to file their variances. He asked if the Board has any directive to him on handling any of these renewals internally if there is an age factor, hardship factor, not on a chassis and on a foundation, or do they want to bring all of them to the Board.

Attorney Biege stated the BZA can give the Building Commissioner discretion under certain parameters. They have done a lot of these over the years. If they have elderly parents they are assisting or something like that, then they can give him the discretion to do so and if it's not a typical normal request then Mike could have the discretion to send it to the BZA. It would save a lot of work and time.

Michael Polan stated that any waivers or internal handling that would be done would also be conditional that in the event of a death, transfer, or sale it has to be removed. The variance does not transfer; waivers do not transfer. There is to whittle these down to where they have mobile homes in mobile home parks.

Glen Minich stated he thinks that will probably work because of their new rule that it will not continue on. The realtors are not going to sell the properties. With the discretion of the Building Commissioner's Office that can be done under hardship certainly.

Adam Koronka stated it probably goes unsaid, that includes some level of review for safety. Is this something that truly needs to come down. They may be granting it out of a hardship, but yet they are allowing people to live in something that is really a health and safety hazard.

Melissa Mullins Mischke stated clearly if there is a concern and Mike isn't sure then he would forward it on to them.

Michael Polan stated correct. He deals with stuff like that with the Public Health and Safety Hazard on housing in general that is not restricted to mobile homes. Their department as well as the Health Department have to deal with that on a weekly/monthly basis.

Glen Minich stated he stated that where in a lot of these cases he looks for supervision that he knows that maybe it's near the residence of a family member or something. That sure makes a difference.

Melissa Mullins Mischke asked if they should put it to a vote.

April Daly asked how are they then tracked. Is it in meeting minutes that there are variances?

Michael Polan stated they have a list in the office. They have a previous list, went to the Assessor and got a print out of everything considered a mobile home. The list they got from them has been gone through. A lot of them he goes to, they are not on a chassis, they are on a foundation, there are additions on it, the roof line is tied in. They are dealing with things on it.

Adam Koronka stated there was an example of one (1) in Hudson Township of what they went through here where there was a chimney built onto it.

April Daly asked when he does that, how is the Board then notified about it.

Michael Polan stated that on most of them, and he will give them the list in a second, he will require them to come to the Board. If there is a situation, such as they are elderly or there is a hardship or extenuating circumstances, then he would deal with that internally. The color coding on the list would change to indicate what their status is and that it will definitely be conditional that upon any transfer or sale it has to come down.

Glen Minich stated that is what they are really doing. It's always been the Building Commissioner that gets a good close look at them and makes sure that they are in a safe environment.

Melissa Mullins Mischke asked if they need to put it to a vote.

Attorney Biege stated he thinks so that way it can be in the minutes.

Melissa Mullins Mischke entertained a motion to allow the Building Commissioner to triage mobile home placement.

Adam Koronka made a motion to empower the Building Department to determine the needs of mobile home variances and exceptions to be handled internally in the cases of hardships, aging parents, and similar situations provided that current physical conditions of the property are safe and healthy for the homeowners.

Dwayne Hogan seconded. That will help expedite some of the things they are going through.

Melissa Mullins Mischke agreed.

All Approved. Motion carries 5-0.

Attorney Biege stated he wants to comment on the postcard Sergeant Major made. It's rather pleasant.

The Board mutually agreed.

Attorney Biege stated he wants to complement them on it. It's a reminder card for the mobile homes and he felt soothed as he looked at the card.


Melissa Mullins Mischke stated she did. She did not feel agitated at all when she saw it. She thinks it is very nice.

Adam Koronka stated to that point, it's one (1) of those things where they don't get a "bill in the mail" feeling like the tax bill sort of situation. It kind of takes the edge off. Nice touch.

Michael Polan stated they want to make the experience as pleasant as possible. He can't thank his support staff enough; they are a team. It is a busy office. There is a lot to do. There are things that come up out of the norm all the time and they have to put their heads together and come up with solutions. Beyond that, he is definitely not afraid to reach out to any Board members. In fact, he reached out to Adam recently about something. Or their legal counsel if he needs further guidance.

Melissa Mullins Mischke welcomed April Daly to the lengthy discussion.

There being no further business, meeting adjourned at 7:29 p.m.


Melissa Mullins Mischke, President


Michael Polan, Recording Secretary